



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

Measure 49 Development Services Division

635 Capitol Street, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5318

<http://www.oregon.gov/LCD/MEASURE49>

August 5, 2009



RE: *State Measure 37/49 Claim M131612*

Dear Roland and Shirley Rogers:

On March 17, 2008, the Department of Land Conservation and Development (Department) mailed claimants Roland and Shirley Rogers a Measure 49 Election Packet, which included a Notice and an Election Form. The packet instructions explained that to be eligible for relief under Measure 49, the claimants were required to return the Election Form to the Department within 90 days, electing review under either section 6 or section 7 of Measure 49. The 90-day election period ended on June 9, 2008. The Department did not receive an Election Form completed by the claimants Roland and Shirley Rogers by that date.

Section 8(3) of Measure 49 states that "[i]f the claimant fails to file the form within 90 days after the date the Department mails the notice, the claimant is not entitled to relief under section 6 or 7 of Measure 49." The claimants did not file the required Election Form within 90 days and therefore are not entitled to relief under section 6 or 7.

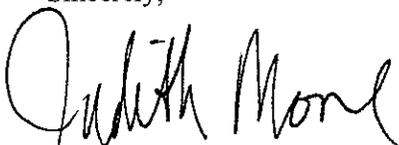
The Department did receive an Election Form, for claim M131612, completed by Rogers Farms LLC, who appears to be the current owner of the Measure 37 claim property. Rogers Farms LLC requested supplemental review under section 6 of Measure 49. However, even if Rogers Farms LLC is the current owner of the Measure 37 claim property, Section 6 indicates that only "[a] claimant that filed a claim under ORS 197.352" is eligible for section 6 relief. Rogers Farms LLC was not a claimant under claim M131612 and is therefore not eligible to seek relief under Section 6 of Measure 49.

Claim M131612 is no longer eligible for supplemental review under either Section 6 or Section 7 of Measure 49. The claim will be closed without any further action.

This correspondence concerning claim M131612 is an Order from the Department in other than a contested case. Please note that you have the right to petition for agency reconsideration or judicial review of this Final Order under ORS 183.484.

If you believe you have received this letter in error or have any questions, please contact this office at (503) 373-0050 ext. 324, or via e-mail at measure49.info@state.or.us.

Sincerely,


Judith Moore
Measure 49 Division Manager

cc: Polk County